



Order Filed on February 22,
2018 by Clerk U.S. Bankruptcy
Court District of New Jersey

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

McCABE, WEISBERG & CONWAY, LLC
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: TIAA, FSB dba Everbank

IN re:

Allen Lee Porter
Debtor

Case No.: 17-21149-JNP
Chapter: 13
Judge: Jerrold N. Poslusny Jr.

Recommended Local Form

☒ Followed

☐ Modified

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: February 22, 2018

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: TIAA, FSB dba Everbank
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 2809 B Auburn Ct, Mount Laurel, New Jersey 08054
Relief Sought: ☒ Creditor's Certification of Default
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for payments , from October 1, 2017 to February 1, 2018

☒ The Debtor is overdue for 4 mortgage payments at \$1,004.85 per month.

☒ The Debtor is overdue 6 stipulation payments at \$503.51 per month

Total Arrearages Due: \$7,040.46

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$2,000.00. Payment must be received on or before February 28, 2018.

☒ Beginning on March 1, 2018, regular monthly mortgage payment shall continue to be made in the amount of \$1,004.85.

☒ Beginning on March 1, 2018, additional monthly cure payments shall be made in the amount of \$1,680.16 for 3 month(s).

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan.

The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

<input checked="" type="checkbox"/>	Immediate payment:	TIAA Attn: Default Cash 301 West Bay street Jacksonville, New Jersey 32202
<input checked="" type="checkbox"/>	Regular monthly payment:	Same as above
<input checked="" type="checkbox"/>	Monthly cure payment:	Same as above

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$200.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.